



RECEIVED

16 JAN 20 PM 1:57

SUPERFUND DIV.  
DIRECTOR'S OFC.

January 15, 2016

**BY FEDERAL EXPRESS AND BY E-MAIL**

Ben Banipal, P.E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division  
United States Environmental Protection Agency  
Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

**Re: Second Request for Information  
Wilcox Oil Superfund Site  
Bristow, Creek County, Oklahoma**

Dear Mr. Banipal:



Please be advised that I am in receipt of your letter dated January 5, 2016 constituting a Second Request for Information from Kinder Morgan, Inc. ("Kinder Morgan") pursuant to Section 104(e) of CERCLA with respect to the Wilcox Oil Superfund Site in Bristow, Creek County, Oklahoma. As your letter reflects, Kinder Morgan responded to EPA's initial Request for Information under my cover letter of January 7, 2013, which was date stamped received by EPA on January 8, 2013.

The Second Request for Information in your January 5, 2016 letter contains the following question:

If the EPEC Oil Liquidating Trust still continues to exist, please state the current net worth of the trust and the dollar value of any assets or monies that may have been distributed from the trust.

The answer to this question is as follows:

The EPEC Oil Liquidating Trust (the "Trust") does continue to exist and to pay Plan Obligations including Plan Claims as those terms are defined in the EPEC Oil Company Liquidating Trust Agreement (the "Trust Agreement") (previously produced under Bates Nos. KMI0000179-208). Under the Trust Agreement, Plan Claims were required to be submitted in advance of the Claims Assertion Date, which was defined to

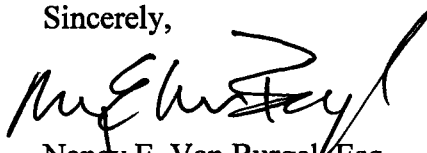
Ben Banipal, P.E., Branch Chief  
January 15, 2016  
Page 2

be December 18, 2008 and which was ten years after the dissolution of EPEC Oil Company (the "Company"). In addition to utilizing certain recoveries from insurance policies and other rights and claims of the Company or the Trust to satisfy Plan Claims, the Trust has arranged for the payment of Plan Claims by way of the agreement by El Paso Tennessee Pipeline Co. ("EPTP") to pay Plan Obligations on behalf of the Trust or to transfer an amount to the Trust sufficient to pay Plan Obligations. (See Undertaking Agreement entered into among EPEC Oil Company, Midwestern Gas Transmission Company, EPTP and the Trust, dated March 9, 2001, Bates Nos. KMI0000616-28). EPTP's aforementioned obligation is capped at \$93 million. Ibid.

A precise calculation of the Trust's historical payments and reserves for Plan Obligations remains subject to review, audit, accounting and reconciliation and is not currently known. However, based on currently available information, we estimate that the Trust has paid and reserved for future payment approximately \$68.6 Million in Plan Obligations. Please note that this is a good faith estimate, that the estimate is subject to revision based on such factors as future claims experience and the continuing evaluation of reserves, and that we will supplement this response if new or revised information becomes available.

If you have any questions, please contact the undersigned at (303) 914-4634 or at [nancy\\_vanburgel@kindermorgan.com](mailto:nancy_vanburgel@kindermorgan.com). Thank you for your attention to this matter.

Sincerely,



Nancy E. Van Burgel, Esq.  
Assistant General Counsel  
Kinder Morgan, Inc.

cc: Mr. Marvin Benton, Esq., Senior Counsel, EPA  
(Via E-Mail)

From:  
COLETTE SMITH  
KMI  
370 Van Gordon St

Lakewood, CO 80228  
(303) 914-4934

Ship Date: 15JAN16  
ActWgt: 1.00 LB  
CAD: 105965339/WSXI2500

TO Mr. Ben Banipal  
United States Environmental Protect

(214) 665-3190

1445 Ross Avenue Suite 1200

**FedEx.**  
Ground

Dallas, TX 75202

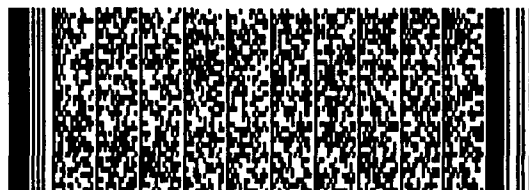
(US)



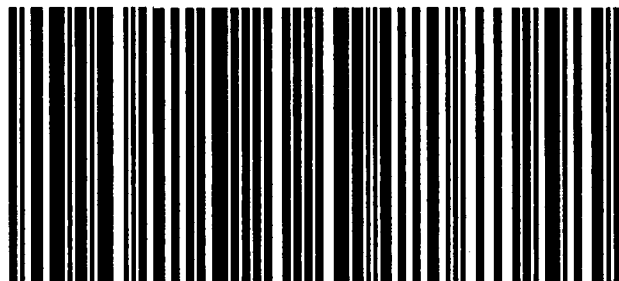
J15301509102126

Ref:  
INV:  
PO: KM1152016134241521

Dept:



1  
of  
1



(9612019) 1313077 15183332

GND  
Prepaid

# FedEx<sup>®</sup> Express

## Helping the environment.

When you use envelopes that are part of our FedEx carbon-neutral envelope shipping program, you're helping support sustainable projects like wind farms and reforestation. Our investments in these projects help neutralize the carbon emitted when shipping, all at no extra cost to you. Now that's a breath of fresh air.

See how FedEx connects the world in responsible and resourceful ways at **earthsmart.fedex.com**. Join our efforts by recycling this envelope.



FedEx carbon-neutral  
envelope shipping

## Extremely Urgent


### For FedEx Express<sup>®</sup> Shipments Only

Contents should be compatible with the container and packed securely. For shipping terms and conditions and our limits of liability, refer to the applicable FedEx Express shipping document, the current FedEx Service Guide, or conditions of carriage.

For more information on FedEx Express services, solutions, and shipping locations, go to **fedex.com**, or contact your nearest FedEx location.

© 2013 FedEx 155476/155476 REV 9/13

12

<b>BEN BANIPAL</b>	
Location:	MULTIMEDIA
Sender:	COLETTE SMITH
01/20/16 11:34	1 of 1
	
012027113409	

Insert shipping  
document here.